

James W. Warner

James M. Marlar, Chief Bankruptcy Judge

In re:)	Chapter 7
)	
GEORGE W KIMBLE and PATRICIA J)	No. 4:09-bk-33058-JMM
ANDERSON KIMBLE,)	
)	Adversary No. 4:11-ap-00344-JMM
_____ Debtors.)	
)	MEMORANDUM DECISION
DONNA KIMBLE,)	
)	(Further Briefing Required)
Plaintiff,)	
vs.)	
)	
GEORGE W KIMBLE and PATRICIA J)	
ANDERSON KIMBLE,)	
)	
Defendants.)	

A DSO can also be a debt "in the nature of alimony, maintenance or support." Section 101

1 (14(A)(B)). It can also be a debt created by a provision of "a separation agreement, divorce decree,
2 or property settlement agreement," or by "an order of a court of record." Section 101(14A)(C)(i);
3 (ii).

4 The question to the parties is: "Why doesn't the document at issue here fall into one
5 of the categories other than "in the nature of" types, as argued exclusively by Debtor's counsel. If
6 it does, isn't it, by definition, non-dischargeable?

7 This expansion of the definition, in the 2005 BAPCPA legislation, seemed to put an
8 end to the prior Code's disputes involving whether a debt was, or was not, "in the nature of alimony,
9 etc."

10 Simultaneous briefs are due within ten (10) days.

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12 DATED AND SIGNED ABOVE.

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14 To be NOTICED by the BNC ("Bankruptcy Noticing Center") to
15 All parties to this adversary proceeding
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